IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 2ND MARCH 2007 / 11TH PHALGUNA 1928

Crl.Rev.Pet.No. 229 of 2007()

CRA.38/2005 of ADDL.SESSIONS COURT, THALASSERY
STC.1909/2003 of JUDL. MAGISTRATE OF FIRST CLASS COURT, THALASSERY

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REVN. PETITIONER: APPELLANT/ACCUSED

C.BALAKRISHNAN, S/O.GOVINDAN,
VANNANKANDY HOUSE, P.O.PARAPPURAM,
PINARAYI, THALASSERY.

BY ADV. SRI.JOMMY THARIAN
SRI.K.R.SAJITH

RESPONDENTS: RESPONDENTS/COMPLAINANTS

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1. MUHAMMED, S/O.KUTTI ALI,
PUNATHAYIL HOUSE, VELLOKKE, PALAYAD P.O.,
DHARMADAM.

2. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, KOCHI-31.

BY PUBLIC PROSECUTOR SRI.AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 02/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J

CRL.R.P.No. 229 of 2007

Dated this the 2nd day of March, 2007

ORDER

Revision petitioner stands convicted for the offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment for six months and to pay a compensation of Rs.75,000/- and in default, to undergo simple imprisonment for three months. The appellate court modified the sentence. The imprisonment was limited to the period already undergone by him and the provision with respect to the compensation was retained. It is the case for the revision petition that the signature and entries in Ext. P1 cheque is not that of the revision petitioner and the courts below did not give him an opportunity to prove the same. I find that the above contention has not been raised before the appellate court. It is seen that revision petitioner/accused has not even sent a reply to the lawyer notice. On consideration of the judgments of the court below, I find no reasons to interfere.

2. In the result, the revision petition is dismissed

affirming conviction and sentence imposed as modified by the appellate court and the revision petitioner is granted six months' time to make the payment. He shall appear before J.F.C.M. Court, Thalassery on 30.8.2007 to receive the sentence.

The Criminal Revision Petition is disposed of as above.

K.R.UDAYABHANU,
JUDGE

csl

K.R.UDAYABHANU, J

Crl.R.P.No.929 of 1997

ORDER

26th February, 2007